

SENATE BILLS 86 & 87 – DISCUSSION POINTS

I-153 Potential Violations of The U.S. and Montana Constitutions

1. ARTICLE II, SECTION 3: Right to engage in employments of one's own choosing
2. ARTICLE II, SECTION 6: Right to Petition the Government
3. ARTICLE II, SECTION 7: Freedom of Speech
4. ARTICLE III, SECTION 1: Separation of Powers
5. ARTICLE IV, SECTION 4: Eligibility for Public Office
6. ARTICLE V, SECTION 4: Eligibility for Legislative Office
7. ARTICLE VI, SECTION 3: Eligibility for Executive Branch Office
8. Corresponding violations of The U.S. Constitution, and violation of equal protection clause.

Other Questions regarding I-153...

1. "Retroactive Applicability" of the initiative, (Letter, 22 Feb. 2006, pg 1, ppg 3)
2. Broader language than the Federal law. (Letter, 22 Feb. 2006, pg 2, ppg 4)
3. Broader language than the other 28 states with similar laws (Letter, 22 Feb. 2006, pg 2, ppg 4)
4. Why does I-153 not apply to personal staff members of appointive as well as elected state officials (Letter, 24 Feb 2006, pg 1, ppg 2 – "equal protection")
5. Why does I-153 not apply to the staff of the Legislature? (Letter, 24 Feb 2006, pg 1, ppg 3 – "strict scrutiny" test on limitations of free speech)